

in any one week of seven days and all kinds of varieties of these shall be considered in making up the limit of eight and twenty-four respectively.

Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not in excess of Two Hundred Dollars.

Sec. 2. The fact that the wild doves and quail are being rapidly depleted in Wood County, the further fact that a reduction in the bag limit will tend to conserve and increase the supply of said birds in said county, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read in each House on three several days be and the same is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, March 8, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Educational Affairs, to whom was referred

H. B. No. 347, A bill to be entitled "An Act to validate all Ad Valorem tax levies heretofore made by Independent School Districts in the State of Texas, which levies are unenforceable because of the failure of the governing bodies in such respective Independent School Districts to make such levies by order; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal but not otherwise.

HORNSBY, Chairman.

By Palmer. H. B. No. 347.

#### A BILL

#### To Be Entitled

An Act to validate all Ad Valorem tax levies heretofore made by Independent School Districts in the State of Texas, which levies are unenforceable because of the failure of the governing bodies in such respective Independent School Districts to make such levies by order; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All levies for Ad Valorem taxes heretofore made by the governing body of any Independent School District in this State, and which are void and unenforceable because such levies were made and adopted by resolution, motion, or other informal action, instead of having been made by order, as required by the Statutes of this State, and which levies are otherwise legally enforceable, are hereby validated, and the same are hereby declared enforceable the same as though they had been made and adopted originally by an order duly passed by the respective governing bodies of such Independent School Districts.

Sec. 2. Whereas, the present Statutes require all tax levies made by the governing bodies of Independent School Districts to be made by order, and some Independent School Districts in this State have inadvertently and erroneously failed to comply with such requirement and have levies for prior years by resolution, motion, or other informal action and are now unable to enforce the collection of any taxes so levied, thereby creating an imperative public necessity and an emergency requiring the suspension of the Constitutional Rule requiring bills to be read on three several days; now, therefore, said Constitutional Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### FORTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas.

March 9, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	Martin.
Greer.	McFarlane.

Miller.	Stevenson.
Moore.	Thomason.
Parr.	Westbrook.
Parrish.	Williamson.
Patton.	Wirtz.
Pollard.	Witt.
Russek.	Woodul.
Small.	Woodward.

Absent—Excused.

Neal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senators Greer and Westbrook:

S. B. No. 611, A bill to be entitled "An Act to appropriate the sum of \$200,000 or so much thereof as may be necessary to supplement the appropriation for rural aid under the provisions of Chapter 36, Acts of the Fortieth Legislature."

The bill was read first time and referred to Committee on Finance.

By Senator Patton:

S. B. No. 612, A bill to be entitled "An Act authorizing the Banking Commissioner of Texas to refund to banks amounts of money due them as refunds by reason of such banks having converted or withdrawn from the Guaranty Fund System prior to the repeal of the Guaranty Fund Law, after carefully calculating and retaining the estimated amount of unliquidated, disputed or unsettled claims against the Fund or money on hand out of which such refunds may be made; providing that the Banking Commissioner shall not be personally liable for making such refunds in accordance with this Act; and declaring an emergency."

The bill was read first time and referred to Committee on Banks and Banking.

**Bills Signed.**

The Chair, Lieutenant Governor Barry Miller, gave notice of signing.

and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 407.	H. B. No. 690.
S. B. No. 253.	H. B. No. 596.
S. B. No. 443.	H. B. No. 388.
S. B. No. 142.	H. B. No. 673.
S. B. No. 370.	

**House Bill No. 509.**

The Chair laid before the Senate as pending business the following bill:

By Mr. Bond:

H. B. No. 509, A bill to be entitled "An Act authorizing county auditors in counties containing a population of 35,000 or more, and in which there may exist or which there may be created, any improvement, navigation, road or irrigation district, or any other territory district having for its purpose the expenditure of public funds for improvement purposes, or improvements of any kind, whether derived from the issuance of bonds or through any character of special assessment, to any exercised control over the finances of said district as provided in Chapter 2 of the Revised Civil Statutes of the State of Texas, 1925, amending Article 1667 of the Revised Civil Statutes, 1925."

The bill was read third time and finally passed by the following vote:

Yeas—25.

Beck.	Parrish.
Berkeley.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Moore.	Woodward.
Parr.	

Absent.

Cousins.	Miller.
Cunningham.	Stevenson.
DeBerry.	

Absent—Excused.

Neal.

**H. J. R. No. 11.**

The Chair laid before the Senate

on third reading the following resolution:

By Mr. Metcalfe and others:

H. J. R. No. 11, Proposing an amendment to Article 7 of the Constitution of the State of Texas, so as to authorize the taxation of lands belonging to the University of Texas for all except State purposes, and providing for the payment of such taxes by the University of Texas to the proper authorities of the counties where said lands are located; providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Parrish.
Berkeley.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Woodul.
Parr.	Woodward.

Absent.

Cousins.	Martin.
Cunningham.	Miller.

Absent—Excused.

Neal.

#### Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

By Mr. Williams of Travis:

H. B. No. 157, A bill to be entitled "An Act to amend Chapter 155, page 366, Section 1, Acts of Thirty-ninth Legislature, 1925, so as to grant to all incorporated cities and towns the banks, beds and channels and the

abandoned banks, beds and channels of all rivers, streams and other channels within their corporate limits."

With engrossed rider.

By Mr. Hines, Mr. Harper and Mr. Simmons:

H. B. No. 568, A bill to be entitled "An Act making it unlawful to shoot at or kill any wild turkey in Cass, Bowie, Morris, Titus, Red River, Marion and Harrison counties."

By Mr. Moseley:

H. B. No. 668, A bill to be entitled "An Act to protect fur-bearing animals in Henderson county by prohibiting hunting, killing, trapping, taking or possessing such animals for barter or sale in Henderson county at any time except from the 10th day of December to the 25th day of January of each year."

By Senator Thomason:

S. B. No. 560, A bill to be entitled "An Act amending Chapter 153 of the Acts of the Thirty-ninth Legislature, Regular Session, being S. B. No. 35; relating to the salaries of County Commissioners of Jasper County; and declaring an emergency."

As amended.

By Senator Williamson:

S. B. No. 502, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes, of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, relating to the appointment and compensation of county auditors in counties containing a population of thirty-five thousand inhabitants, or over, according to the preceding Federal census, or having a tax valuation of fifteen million dollars, according to the last approved tax roll and providing for additional compensation for the county auditors in such counties where there is a joint city and county hospital and where a special audit for such hospital must be kept and report made to the city and county, and declaring an emergency."

With amendments.

By Senator Holbrook:

S. B. No. 602, A bill to be entitled "An Act adding Article 6899a to Chapter 1 of Title 121 of the Revised Civil Statutes of 1925 relating to marks and brands of livestock; requiring owners of livestock men-

tioned in said Chapter to record same with the County Clerk within a certain length of time after this Act takes effect; further regulating marks and brands; providing that this Act shall apply to Matagorda County only; Providing regulations so that after the expiration of a certain length of time only records of marks and brands recorded after this Act takes effect shall be considered; enacting other provisions incidental to said purpose; and declaring an emergency."

H. B. No. 724, A bill to be entitled "An Act creating Brownsville navigation district of Cameron, County, Texas, to be governed by the provisions of Section 59, Article 16, of the Constitution, and by Chapter 5 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session in 1925, relating to navigation districts, except as herein otherwise provided, and defining its boundaries."

H. C. R. No. 33, Relating to National legislation in regard to agriculture industry:

Whereas, President Herbert Hoover personally pledged himself as a candidate, that if elected he would recommend national legislation looking to an equalization of agriculture with business and industry, and

Whereas, There is a crying need for such legislation as will relieve our farmers of the helpless inequality which our commercialized life has created, and

Whereas, A special session of Congress is to be called soon, therefore be it

Resolved, That the House of Representatives, the Senate concurring, hereby urge our President and National Congress to take steps as soon as possible to give such relief to our producers as is within the proper province of our Federal government, and be it further

Resolved, That the Senate, the House of Representatives concurring, proceed to elect one delegate each, which delegates, in conjunction with the Governor and two representative citizens to be named by him, shall constitute a delegation to attend and appear before the committee of Congress in the furtherance of all legislation beneficial to the agricultural industry of America proposed by President Hoover and particularly to

use their efforts toward so changing the present marketing system that no longer shall the agricultural producer be forced to accept world price for that portion of their crop consumed here in tariff protected America. Be it further

Resolved, That only such citizens shall be selected as delegates who will serve without pay other than actual traveling, hotel and other direct expenses, the sum of \$2500, or so much as necessary, which the State Treasurer is hereby authorized to pay on the presentation of itemized accounts approved by the Governor, and countersigned by the State Comptroller.

By Woodul.

S. C. R. No. 24.

#### A JOINT RESOLUTION

Memorializing the Congress of the United States of America to extend Federal Aid as relief to Reclamation, Drainage and Levee Districts by means of non-interest bearing loans.

Whereas, The Federal Government has long extended aid by means of loans to districts created to provide for irrigation, drainage and the prevention of floods, in parts of the United States; and certain legislation is now pending in Congress to extend Federal Aid to existing levee, irrigation and reclamation projects in all parts of the Nation, and

Whereas, There are located in the State of Texas many important reclamation districts which were in great part provided to meet the nation's demand for increased agricultural production during the World War; and have added greatly to the taxable values where same are located, and since the year 1920 there has prevailed a continuous and serious depression in agriculture, and these conditions have imposed heavy taxes and other burdens on the land owners to prepare said lands for cultivation, and

Whereas, These burdens have proved to be oppressive under the existing conditions and in many instances, in the absence of aid, will result in the owners losing their lands; further that if aid is not given at once great loss will result to said districts and the improvements already constructed will deteriorate, and

Whereas, The protective works ex-

isting in Texas and elsewhere serve to promote the public welfare and to conserve the public interest in the following particulars, viz: (a) By reason of such works, railways and Federal Aid highways carrying interstate commerce may more economically be constructed and maintained: (b) Periodic interruption of the mails, both by rail and by highway carriers, and interruption of the carriage of interstate passengers and freight, are avoided, and

Whereas, Many reclamation projects involve works and co-ordination of operations, in more than one State; and each and all of the foregoing considerations do arise out of matters, or do affect matters, concerning which the Federal Government has assumed control, or concerning which it has declared a policy of manifest interest, and

Whereas, The problems presented cannot be adequately solved by the several States; therefore, be it

Resolved By the Senate of the Forty-First Legislature of Texas, the House of Representatives concurring, that we do hereby respectfully urge the present Congress of the United States of America to enact into law provisions for adequately extending Federal Aid by means of making loans to existing districts now created under the law for the purpose above stated so that the outstanding obligations of such districts may be refunded and the times for payment extended; the protective works rendered efficient and adequately maintained, and the owners of the protected lands given relief from the present oppressive burdens in building and maintaining said improvements. This we deem to be required to avert a great public calamity of nationwide importance.

Be it further Resolved, That certified copies of this resolution be delivered to our Senators and Representatives in the Congress of the United States.

H. B. No. 742, A bill to be entitled "An Act amending Article 5397, and providing that any claim which has been forfeited by any locator or owner by reason of the failure to pay rental or royalty, may be reinstated by the locator or owner within ninety days from the date of the forfeiture upon payment of all rentals and royalties due the State on said

claim by said locator or owner and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

By Mr. Keeton.

H. C. R. No. 36, Requesting the Senate to return Senate Bill No. 592 to the House for further consideration.

Respectively submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

#### Senate Bill No. 606.

Senator Small received unanimous

consent to suspend the pending special orders and take up the following bill:

S. B. No. 606, A bill to be entitled "An Act ratifying and validating the creation and consolidation proceedings creating Carey Consolidated Rural High School District No. Ten of Childress county, Texas, by consolidating Purple Hill Common School District No. 14, Prairie Hill Common School District No. 4, Carey Common School District No. 10 and Valley View Common School District No. 28, all in Childress county, Texas; ratifying and validating all orders petitions, notices, elections, orders declaring result of elections and describing the boundaries of such consolidated rural high school district; validating election and election proceedings held on the 6th day of February 1929 in such consolidated district; authorizing the issuance of Sixty Thousand Dollars schoolhouse bonds and levying a tax in payment thereof, including the petition, orders, notices, election, election returns and authorizing the Board of Trustees to complete the issuance and sale of such bonds; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 606 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent.

Cousins. Cunningham.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Cousins.

Absent—Excused.

Neal.

#### Free Conference Requested

Senator Williamson moved that the Senate refuse to concur in the House amendment to S. B. No. 502 and request a Free Conference Committee.

The motion prevailed.

The Chair appointed the following on the part of the Senate:

Senators Williamson, Love, Woodul, Witt, and Hyer.

#### House Bills Referred.

H. B. No. 668 referred to Committee on State Affairs.

H. B. No. 568 referred to Committee on State Affairs.

H. B. No. 157 referred to Committee on Mining, Irrigation, and Drainage.

#### Motion to Concur.

Senator Thomason moved to concur in the House amendment to S. B. No. 560. The motion prevailed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Cousins.

Absent—Excused.

Neal.

#### Senate Bill No. 358.

Senator Thomason received unanimous consent to suspend the pending special orders and take up the following bill:

S. B. No. 358, A bill to be entitled "An Act amendatory of Articles 2774, 2777, 2808, and 2922e. Revised Statutes 1925, providing for the appointment or election and term of office of school trustees in all independent, consolidated and rural high school districts; adjusting the term of office of trustees now in office; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 358 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Cousins.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Cousins.

Absent—Excused.

Neal.

#### Senate Bill No. 514.

Senator Witt received unanimous consent to take up out of its regular order the following bill:

S. B. No. 514, A bill to be entitled "An Act to amend Article 7482, and Article 7485, as contained in Chapter 1 of Title 128 of the Revised Civil Statutes of Texas; also to amend Article 7960, Chapter 5 of

Title 128 of Revised Civil Statutes of Texas for the purpose of fixing compensation of the members of the State Board of Water Engineers and of the Reclamation Engineer of the State of Texas."

The bill was read second time.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 514 by striking out the words and figures \$6,000.00 in line 18 page 1, and in lieu thereof insert the words and figures \$4,500.00.

DeBERRY,  
HOLBROOK.

The amendment was read.

Senator McFarlane sent up the following substitute for the amendment:

Amend S. B. No. 514 by striking out the words \$6,000.00 and insert in lieu thereof the words and figures \$4,000.00.

McFARLANE.

The substitute was read.

Senator Woodward moved that further consideration of this bill be indefinitely postponed.

Senator Witt moved to table the motion. The motion to table prevailed by the following vote:

Yeas—20.

Beck.	Parr.
Berkeley.	Russek.
Cousins.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Moore.	Woodul.

Nays— 9.

Cunningham.	Parrish.
DeBerry.	Patton.
Holbrook.	Pollard.
McFarlane.	Woodward.
Miller.	

Absent.

Martin.

Absent—Excused.

Neal.

Senator Witt moved to table the substitute for the amendment. The motion to table prevailed by the following vote:

Yeas—20.

Beck.	Berkeley.
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Cousins.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Moore.	Wirtz.
Parr.	Witt.
Patton.	Woodul.

Nays— 8.

Cunningham.	Miller.
DeBerry.	Parrish.
Holbrook.	Small.
McFarlane.	Woodward.

Absent.

Gainer.	Martin.
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Absent—Excused.

Neal.

The original amendment was adopted by the following vote:

Yeas—22.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Parr.
DeBerry.	Parrish.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.

Nays— 5.

Cousins.	Russek.
Patton.	Woodward.
Pollard.	

Absent.

Gainer.	Westbrook.
Martin.	

Absent—Excused.

Neal.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 514 by striking out the words and figures \$6,000.00 page 2 in line 16 and insert in lieu thereof the words and figures \$4,500.00.

DeBERRY.

The amendment was read and adopted.

Senator Miller moved to lay the bill on the table subject to call. The motion was lost.

The bill as amended passed to engrossment by the following vote:

Yeas—17.

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Stevenson.
Greer.	Thomason.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Hyer.	Woodul.
Moore.	

Nays— 8.

Cunningham.	Parrish.
DeBerry.	Pollard.
McFarlane.	Small.
Miller.	Woodward.

Absent.

Gainer.	Russek.
Love.	Westbrook.
Martin.	

Absent—Excused.

Neal.

The motion of Senator Witt that the constitutional rule requiring bills to be read on three several days be suspended and S. B. No. 514 be put on its third reading and final passage, was lost by the following vote:

Yeas—20.

Beck.	Patton.
Berkeley.	Pollard.
Cousins.	Small.
Hardin.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
Moore.	Witt.
Parr.	Woodul.

Nays— 7.

Cunningham.	Miller.
DeBerry.	Parrish.
Holbrook.	Woodward.
McFarlane.	

Absent.

Gainer.	Russek.
Greer.	

Absent—Excused.

Neal.

(22 votes required.)

### Free Conference Committee Report.

Senator Stevenson sent up the following Free Conference Committee Report:



Committee Room,  
Austin, Texas, March 8, 1929.  
Hon. Barry Miller, President of the  
Senate, and

Hon. Fred H. Minor, Speaker Pro  
Tem, House of Representatives.

Sirs: We, your conference committee on House Bill No. 313, have had the same under consideration and have adjusted the differences between the House and the Senate and recommend the passage of the following substitute bill:

By Sanders. F. C. C. S. S. B. No. 313

A BILL  
To Be Entitled

An Act declaring the wild beaver, wild otter, wild mink, wild ringtail cat, wild badger, wild polecat or skunk, wild raccoon, wild fox and wild civet-cat to be fur-bearing animals; making it unlawful to take or have in possession any pelt of any fur-bearing animal at any time other than from November 30th to February 1st; providing however, pelts taken during the open season therefor may be possessed an additional ten days after January 31st; providing that it shall be unlawful for any person at any time to take or kill by trap, snare, deadfall, or any mechanical device any fur-bearing animal in any of the counties to which this Act applies; providing this Act shall not prevent an owner nor any of his family, killing any of said animals within one hundred feet of his residence or outhouse thereabout by any means whatever, while said fur-bearing animals are depredating upon his property, but prohibiting buying or selling said animals or pelts when taken for said reason; at any time other than from November 30th to February 1st; providing this Act shall not apply to wolf trappers employed by the United States Government, the State of Texas or the Commissioners' Court of the counties included in this Act from trapping wolves by setting their traps other and elsewhere than in trails, paths, roads and on logs or within ten feet thereof, nor to taking of said animals, within the bounds of State Game preserves located in any of the counties to which this Act applies when taken under the Game, Fish and Oyster

Commissioner's direction and for use of said department; providing this Act shall apply only in the following counties, viz., Cherokee, Lee, Caldwell, Angelina, Hardin, Harris, Nacogdoches, Panola, Polk, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Williamson, Bexar, Liberty, Fort Bend, Brazoria, Jefferson, Matagorda, Anderson, Sabine, Lamar, Madison, Johnson, Orange, Brown, McLennan, Rusk, Tarrant and Young; providing said animals may be possessed in said counties from propagation and fur farming purposes under permit from Game, Fish and Oyster Commissioner; providing for forfeiture of said permits; providing a penalty, repealing all laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of this Act, wild beaver, wild otter, wild mink, wild ringtail cat, wild badger, wild polecat, or skunk, wild raccoon, wild fox and wild civet cat are hereby declared to be fur-bearing animals.

Sec. 2. It shall be unlawful to take or have in possession any of the fur-bearing animals mentioned in Section 1 of this Act, or the pelts thereof, other than from November 30th, to February 1st of each year; provided, however, that any pelts taken during the open season provided herein may be possessed for the purpose of sale for an additional ten days next after the open season each year.

Sec. 3. It shall be unlawful at any time for any person to take or kill by trap, snare, deadfall, or any mechanical device any of the fur-bearing animals named in Section 1 of this Act in any of the counties to which this Act applies; provided, however, it shall be lawful for any owner, or any member of his family to kill by any means and at any time within a distance of one hundred feet of his residence, and the outhouses thereabout, any of the said fur-bearing animals while depredating upon the property of said owner, but neither the animals, nor the pelts thereof so killed shall be bought, sold or possessed at any time other than from November 30th,

to February 1st. And provided further, this Section shall not apply to a trapper employed by the United States Government, the State of Texas or the Commissioners' Court of any county to which this Act applies, bona fide trapping for wolves and setting his traps therefor other and elsewhere than in trails, paths, roads, and logs and no closer thereto than ten feet; nor to the taking of said fur-bearing animals under the direction of the Game, Fish and Oyster Commissioner within the bounds of any State Game preserve now located, or which may be located within the counties to which the provisions of this Act applies when such taking is done for the use of the Game, Fish and Oyster Department of Texas.

Sec. 4. It shall be unlawful for any person at any time or in any manner to have in his possession any wild beaver, wild otter, or wild fox, or the pelt or pelts thereof, excepting as permitted under this Act.

Sec. 5. That for the purpose of this act the foregoing provisions shall apply only in the following counties: Cherokee, Lee, Caldwell, Panola, Angelina, Hardin, Harris, Nacogdoches, Polk, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Williamson, Bexar, Liberty, Fort Bend, Brazoria, Jefferson, Matagorda, Anderson, Sabine, Lamar, Madison, Johnson, Orange, Brown, McLennan, Rusk, Tarrant and Young.

Sec. 6. Any person, violating any provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$10.00 and not more than \$200.00. Possession of any pelt of any fur-bearing animal protected under this Act at any time other than the open season provided for the taking of such animals and the pelts thereof, or the setting of any trap, snare, or deadfall in any of the counties mentioned in this Act, shall be prima facie evidence of guilt of each pelt taken and the setting of each trap, snare or deadfall shall constitute a separate offense.

Sec. 7. That nothing in this Act shall make it unlawful for any person to acquire between the last day of November and the first day of February of any year, and so possess thereafter for propagation and

fur purposes, any of the animals named in Section 1 of this Act upon his obtaining a permit from the Game, Fish and Oyster Commissioner authorizing such person so to do, which said permit shall be valid until the 10th day of the following February of each year and subject to renewal under the terms of this Section, and the Game, Fish and Oyster Commissioner is hereby authorized to issue such permit to such person qualified to possess the same under the terms of this Section; provided, however, such permit after being issued shall be forfeited upon the person in whose name same has been issued, being convicted for violating any of the game laws of this State or taking any of the game or fur-bearing animals of this State, and such person shall thereafter be denied a permit for said purposes for a period of two years next from and after date of such conviction; provided further, it shall be unlawful for such person having been convicted of violating any of the laws protecting the game or fur-bearing animals of this State to accept such permit provided for in this Section from the Game, Fish and Oyster Commissioner of this State within the period of two years next from and after his being so convicted, and said permit shall be held by the owner to whom it is issued at all reasonable time subject to inspection by the Game, Fish and Oyster Commissioner and his deputies.

Sec. 8. If any Section, provision or part of this Act shall be held invalid for any reason, it is the legislative intent that the remainder of this Act shall remain in full force and effect, and all laws or portion of laws in conflict herewith are hereby repealed.

Sec. 9. The importance of this Act and the fact that the fur-bearing animals named in this Act are rapidly being exterminated in the counties named in this Act and are practically exterminated in several of said counties, and there are not adequate laws for the protection of the fur-bearing animals in the counties named in this Act create an emergency and an imperative public necessity, demanding the suspension of the Constitutional Rule requiring a bill to be read on three several days in each House, and this

Act shall take effect and be in force from and after its passage, and said Rule is hereby suspended, and it is so enacted.

Respectfully submitted,  
SANDERS,  
MURPHY,  
HINES,  
McKEAN,  
BRICE.

(For the House.)  
STEVENSON,  
WOODUL,  
THOMASON,  
BECK.  
HORNSBY.

(For the Senate.)

The report was read and adopted by the following vote:

Yeas—25.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent.

DeBerry.	Russek.
Gainer.	Thomason.
Pollard.	

Absent—Excused.

Neal.

House Bills Referred.

H. B. No. 742 referred to Committee on Public Lands and Land Office.

H. B. No. 724 referred to Committee on Mining, Irrigation, and Drainage.

H. C. R. No. 33.

The Chair laid before the Senate H. C. R. No. 33, Relating to national legislation in regard to agriculture and industry.

The resolution was read first time.

On motion of Senator Wirtz, the resolution was referred to the Committee on Agriculture.

Senate Bill No. 478.

Senator Hornsby received unani-

mous consent to take up out of its regular order the following bill:

S. B. No. 478, A bill to be entitled "An Act to amend Article 725, Revised Civil Statutes of Texas, 1925, so as to authorize the refunding of county road bonds and road district bonds, and declaring an emergency.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 478 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Cousins.	Parrish.
Gainer.	

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent.

Cousins.	Gainer.
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Absent—Excused.

Neal.

**Senate Bill No. 603.**

Senator Hardin received unanimous consent to take up out of its regular order the following bill:

S. B. No. 603, A bill to be entitled "An Act establishing at Meridian, in Bosque County, Texas, the Central Texas State Teachers College, conditioned upon acquiring good title to the college property of Meridian College now located at Meridian, Texas for the purpose of said Teachers College, providing for the acceptance of title to said property; etc., and declaring an emergency."

The bill was read second time and passed to engrossment by the following vote:

**Yeas—25.**

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

**Nays—1.**

DeBerry.

**Absent.**

Cousins.	Parrish.
Gainer.	Williamson.

**Absent—Excused.**

Neal.

On motion of Senator Hardin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 603 was put on its third reading and final passage, by the following vote:

**Yeas—27.**

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.

Witt.  
Woodul.

Woodward.

**Nays—1.**

McFarlane.

**Absent.**

Gainer.

Parrish.

**Absent—Excused.**

Neal.

The bill was read third time and finally passed by the following vote:

**Yeas—25.**

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Miller.	Woodward.
Moore.	

**Nays—2.**

DeBerry.

McFarlane.

**Absent.**

Gainer.  
Parrish.

Williamson.

**Absent—Excused.**

Neal.

**Senate Bill No. 608.**

Senator Love received unanimous consent to take up out of its regular order the following bill:

S. B. No. 608, A bill to be entitled "An Act vesting the right of eminent domain in the Board of Managers of the North Texas Junior Agricultural, Mechanical and Industrial College;; and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended.

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 608 was put on its third reading and final passage, by the following vote:

## Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

## Absent.

Parrish.

## Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

## Absent—Excused.

Neal.

## Senate Bill No. 610.

Senator Pollard received unanimous consent to take up out of its regular order the following bill:

S. B. No. 610, A bill to be entitled "An Act providing that the State of Texas, through the Game, Fish and Oyster Commission shall have the power, right and authority to condemn and appropriate to the use of the State, land and water in Smith county, Texas, for the purpose of erecting, constructing, enlarging and maintaining fish hatcheries, building necessary equipment, roads and pas-

sageways to said hatcheries, etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 610 was put on its third reading and final passage, by the following vote:

## Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Martin.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

## Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

## Absent—Excused.

Neal.

## Senate Bill No. 538.

Senator Moore received unanimous consent to take up out of its regular order the following bill:

S. B. No. 538, A bill to be entitled "An Act making it unlawful for any officer or employee of this State to issue or publish any publication or

bulletin in his official capacity, which bulletin or publication carries any advertising matter of any nature whatsoever; providing a penalty for the violation of this Act, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 538 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

#### Senate Bill No. 499.

Senator Woodward received unanimous consent to take up out of its regular order the following bill:

S. B. No. 499, A bill to be entitled

"An Act validating the appointment of guardians when citation was posted as provided in Article 4064 of the Vernon's Sayles' Texas Civil Statutes of 1914 or as provided in Article 4115 of the Revised Civil Statutes of 1925, and where such citation was not published as provided in Chapter 179, Acts Regular Session of the Thirty-fifth Legislature, being Article 28 of the Revised Civil Statutes of 1925; and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 499 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

**Senate Bill No. 574.**

Senator Greer received unanimous consent to take up out of its regular order the following bill:

S. B. No. 574, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of Teachers' Institutes; prescribing the duties of said supervisor etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

**H. C. R. No. 36.**

The Chair laid before the Senate the following resolution:

By Keeton:

H. C. R. No. 36, Be it resolved by the House of Representatives, the Senate concurring, that the Senate be requested to return to House S. B. No. 592, for the purpose of adopting a corrective amendment.

The resolution was read and adopted.

**Senate Bill No. 409.**

The Chair laid before the Senate as special order the following bill:

S. B. No. 409, A bill to be entitled "An Act amending Articles 6663 to 6674, both inclusive, of the Revised Civil Statutes of 1925 relating to highways and the Highway Department of the State of Texas; providing for a State Highway Commission to be composed of nine members, one of such members to be elected from each of nine different districts of the State described in the Act; etc., and declaring an emergency."

The Committee report carrying an amendment was adopted.

The bill was read second time.

Senator Greer moved the previous question on the engrossment of the bill. The motion failed to receive the required seconding.

**Recess.**

On motion of Senator DeBerry the Senate, at 12:10 o'clock p. m., recessed until 2:00 o'clock p. m.

**After Recess.**

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called

to order by Lieutenant Governor Barry Miller.

**Senate Bill No. 409.**

The question recurred upon the engrossment of S. B. No. 409.

Senator Love moved to lay the bill on the table. The motion was lost by the following vote:

Yeas—11.

Beck.	Small.
Berkeley.	Thomason.
Love.	Williamson.
McFarlane.	Woodul.
Moore.	Woodward.
Pollard.	

Nays—14.

Cousins.	Hyer.
Cunningham.	Martin.
DeBerry.	Miller.
Gainer.	Parr.
Greer.	Patton.
Hardin.	Russek.
Hornsby.	Stevenson.

Absent.

Holbrook.	Wirtz.
Parrish.	Witt.
Westbrook.	

Absent—Excused.

Neal.

Senator Pollard moved the previous question. The previous question was ordered.

The bill failed to pass to engrossment by the following vote:

Yeas—8.

DeBerry.	Hornsby.
Gainer.	Hyer.
Hardin.	Miller.
Holbrook.	Parr.

Nays—13.

Beck.	Westbrook.
Berkeley.	Williamson.
Cunningham.	Wirtz.
Love.	Witt.
Moore.	Woodul.
Pollard.	Woodward.
Stevenson.	

Absent.

Parrish.	Russek.
Patton.	

Absent—Excused.

Neal.

## (Pairs Recorded.)

Senator Small (present), who would vote nay with Senator Martin (absent), who would vote yea.

Senator Thomason (present), who would vote nay with Senator Cousins (absent), who would vote yea.

Senator Greer (present), who would vote yea with Senator McFarlane (absent), who would vote nay.

**Messages from the House.**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 37, Recalling H. J. R. No. 7 from the Governor's office to correct an error made in the House.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Petsch:

H. B. No. 278, A bill to be entitled "An Act prescribing the kind of tackle and method for taking fish from the fresh waters of counties, and prohibiting all others; prohibiting possession of any tackle not authorized by this Act within two hundred yards of any fresh waters mentioned herein, prescribing penalties, and declaring an emergency."

By Mr. Hubbard:

H. B. No. 695, A bill to be entitled "An Act creating a more efficient road system for Titus county, Texas."

By Mr. Reid:

H. B. No. 743, A bill to be entitled "An Act to exempt independent school districts in this State in counties having a population of not less than 8,955 and not more than 8,960, according to the United State census of 1910, from county supervision and all assessments for county administration and limiting the supervision of such independent school district to the supervising authority

of the State Department of Education and the State Board of Education."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free Conference Committee on H. B. No. 313 by a vote of: 101 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered the vote by which S. B. No. 37 was passed finally and passed same finally with amendments by a vote of 103 yeas and 1 nay.

S. B. No. 37, A bill to be entitled "An Act to amend Article 1074, Title 15, Chapter 4, of the Code of Criminal Procedure of the State of Texas, Revision of 1925, so as to provide also a trial fee in justices courts in misdemeanor cases, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Witt:

S. B. No. 222, A bill to be entitled "An Act to amend Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925, relating to weights and measures, by amending Article 1037 and adding Article 1037A, defining certain terms; and declaring an emergency."

H. B. No. 755, A bill to be entitled "An Act to appropriate the sum of \$200,000, or so much thereof as may be necessary, to supplement the appropriation for rural aid under the



provisions of Chapter 36, Acts of the Fortieth Legislature."

With engrossed rider.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on S. B. No. 502. The following members appointed on the part of the House:

Purl, Reader, Graves of Erath, Hopkins, Turner.

The House concurs in Senate Amendments to H. B. 509 by a vote of 104 ayes and 3 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### H. C. R. No. 37.

The Chair laid before the Senate the following resolution:

By Mr. Kemble:

H. C. R. No. 37, Whereas H. J. R. No. 7 has been finally passed by the House and Senate and is now on the desk of the Governor, and

Whereas, Through an error, Free Conference Report which has been adopted by both Houses was omitted from the Joint Resolution, now therefore, be it

Resolved, by the House of Representatives of Texas, the Senate concurring, that the Governor be requested to return the said Joint Resolution to the House for further consideration.

Read and adopted.

#### House Bills Referred.

H. B. No. 695 referred to Committee on State Highways and Motor Traffic.

H. B. No. 743 referred to Committee on Educational Affairs.

H. B. No. 278 referred to Committee on State Affairs.

#### S. C. R. No. 45.

Senator Pollard sent up the following resolution:

S. C. R. No. 45, Whereas, It is necessary for the laws of the Regular Session of the Forty-first Leg-

islature of Texas to be compiled, indexed and printed, now, therefore, be it

Resolved by the Senate of Texas, and House of Representatives concurring, that the Secretary of State be, and is hereby, fully authorized and empowered to employ a competent lawyer to compile, index, compare and do all other work necessary to the publication of the laws of the Forty-first Legislature of the State of Texas; and that all expenses of same (not to exceed the sum of Five Hundred Dollars (\$500.00) be paid out of the contingent expense fund of the Regular Session of the Legislature.

Read and adopted.

#### House Bill No. 676.

The Chair laid before the Senate on second reading the following bill:

By Mr. Kayton, Mr. King and Mr. Turner:

H. B. No. 676, A bill to be entitled "An Act to amend Section 25, Chapter 212, H. B. No. 59, Acts of the Fortieth Legislature, Regular Session, 1927, repealing all laws and parts of laws in conflict."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 676 was put on its third reading and final passage, by the following vote:

Yeas—21.

Beck.	Love.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Small.
DeBerry.	Stevenson.
Gainer.	Thomason.
Greer.	Williamson.
Hardin.	Witt.
Holbrook.	Woodul.
Hornsby.	Woodward.
Hyer.	

Absent.

Martin.	Pollard.
Moore.	Russek.
Parr.	Westbrook.
Parrish.	Wirtz.
Patton.	

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Love.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Parr.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Witt.
Holbrook.	Woodul.
Hornsby.	Woodward.
Hyer.	

Absent.

Martin.	Russek.
Moore.	Westbrook.
Parrish.	Williamson.
Patton.	Wirtz.
Pollard.	

Absent—Excused.

Neal.

#### House Bill No. 399.

The Chair laid before the Senate on second reading the following bill:  
By Mr. Kincaid et al.:

H. B. No. 399, A bill to be entitled "An Act to provide for the sexual sterilization of inmates of State institutions in certain cases; prescribing the method of procedure and fixing duties of officials concerned therewith."

Read second time.

The committee report, carrying an amendment, was adopted.

Senator Pollard sent up the following amendment:

Amend H. B. No. 399 by adding a new paragraph as follows: "Provided that no person in this State shall be sexually sterilized unless and until a jury of twelve men in the district court in which said person shall have resided before said person became an inmate of any institution in this State (if said person shall be an inmate of any State institution), otherwise by a jury of twelve men in the district court in which said person shall reside shall have found said person incurable of any disease mentioned in this Act and that it is necessary for said person to be sexually sterilized."

The amendment was read.

Senator Holbrook moved to indefinitely postpone the further consideration of the bill. The motion prevailed.

On motion of Senator McFarlane, the vote by which the motion was adopted was reconsidered.

The motion to indefinitely postpone prevailed by the following vote:

Yeas—13.

Berkeley.	Love.
DeBerry.	Miller.
Gainer.	Parr.
Hardin.	Parrish.
Holbrook.	Pollard.
Hornsby.	Westbrook.
Hyer.	

Nays—7.

Beck.	Williamson.
Cousins.	Wirtz.
McFarlane.	Witt.
Thomason.	

Absent.

Greer.	Russek.
Martin.	Stevenson.
Moore.	Woodul.
Patton.	Woodward.

Absent—Excused.

Neal.

(Pairs Recorded.)

Senator Small (present), who would vote nay with Senator Cunningham (absent), who would vote yea.

#### House Bill No. 724.

Senator Parr received unanimous consent to take up out of its regular order the following bill:

By Mr. Hornaday:

H. B. No. 724, A bill to be entitled "An Act creating Brownsville navigation district of Cameron county, Texas, to be governed by the provisions of Section 59, Article 16, of the Constitution, and by Chapter 5 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session in 1925, relating to navigation districts, except as herein otherwise provided, and defining its boundaries."

The rule requiring committee reports to lie over one day was suspended.

The committee report was adopted.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 724 was put on its second reading by the following vote:

## Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

## Absent.

Greer. Martin.  
Absent—Excused.  
Neal.

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 724 was put on its third reading and final passage, by the following vote:

## Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

## Absent.

Greer. Martin.  
Absent—Excused.  
Neal.

Read third time and finally passed by the following vote:

## Yeas—28.

Beck.	Gainer.
Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Hyer.

Love.	Small.
McFarlane.	Stevenson.
Miller.	Thomason.
Moore.	Westbrook.
Parr.	Williamson.
Parrish.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.
Russek.	Woodward.

## Absent.

Greer. Martin.  
Absent—Excused.  
Neal.

## House Bill No. 654.

Senator Witt moved to take up out of its regular order H. B. No. 654. The motion prevailed by the following vote:

## Yeas—17.

Berkeley.	Parrish.
Gainer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
Moore.	Woodward.
Parr.	

## Nays— 4.

DeBerry.	Miller.
McFarlane.	Wirtz.

## Absent.

Beck.	Patton.
Cousins.	Russek.
Cunningham.	Westbrook.
Greer.	Woodul.
Martin.	

## Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—19.

Beck.	Parrish.
Berkeley.	Pollard.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Moore.	Woodward.
Parr.	

## Nays— 5.

Cousins. Miller.  
DeBerry. Wirtz.  
McFarlane.

## Absent.

Cunningham. Patton.  
Greer. Russek.  
Martin. Woodul.

## Absent—Excused.

Neal.

## Senate Bill No. 578.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 578, A bill to be entitled "An Act to ratify and adopt in principle the Canadian River Compact between the States of New Mexico, Texas, and Oklahoma, executed on the 31st day of December, 1926, by the Commissioners of said States, which ratification and adoption is made subject to certain conditions; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 578 was put on its third reading and final passage, by the following vote:

## Yeas—26.

Beck. Moore.  
Berkeley. Parr.  
Cousins. Parrish.  
Cunningham. Patton.  
DeBerry. Pollard.  
Gainer. Small.  
Hardin. Stevenson.  
Holbrook. Thomason.  
Hornsby. Westbrook.  
Hyer. Williamson.  
Love. Wirtz.  
McFarlane. Witt.  
Miller. Woodward.

## Absent.

Greer. Russek.  
Martin. Woodul.

## Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—25.

Beck. Parr.  
Berkeley. Parrish.  
Cousins. Patton.  
DeBerry. Pollard.  
Gainer. Small.  
Hardin. Stevenson.  
Holbrook. Thomason.  
Hornsby. Westbrook.  
Hyer. Williamson.  
Love. Wirtz.  
McFarlane. Witt.  
Miller. Woodward.  
Moore.

## Absent.

Cunningham. Russek.  
Greer. Woodul.  
Martin.

## Absent—Excused.

Neal.

## Senate Bill No. 357.

Senator Miller called up the motion, which he spread on the Journal, to reconsider the vote by which S. B. No. 357 was indefinitely postponed.

Senator Hornsby moved to table the motion to reconsider. The motion to table was lost.

The motion to reconsider was lost by the following vote:

## Yeas—10.

Cousins. Parr.  
DeBerry. Pollard.  
Holbrook. Stevenson.  
Love. Thomason.  
Miller. Wirtz.

## Nays—11.

Berkeley. Small.  
Gainer. Williamson.  
Hornsby. Witt.  
Hyer. Woodul.  
Moore. Woodward.  
Parrish.

## Absent.

Beck. Martin.  
Cunningham. McFarlane.  
Greer. Patton.  
Hardin.

## Absent—Excused.

Neal.

## (Pairs Recorded)

Senator Westbrook (present), who would vote nay with Senator Russek (absent), who would vote yea.

**House Bill No. 738.**

The Chair laid before the Senate on second reading the following bill:

H. B. No. 738, A bill to be entitled "An Act relating to the duties of the county board of education and the county superintendent of counties with an area of 977 square miles and a population of not less than 15,000 nor more than 20,000 according to the last preceding Federal census."

The committee report was adopted.

The bill was read second time.

Senator Thomason sent up the following amendment:

Amend H. B. No. 738 Section 6, page 5, line 4, by changing the verb "are" to "is" and in the same Section on page 6, line 1 by adding between the words "supplement" and the word "such" the word "of."

The amendment was read and adopted.

The bill as amended passed to third reading.

On motion of Senator Thomason, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 738 was put on its third reading and final passage, by the following vote:

**Yeas—27.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

**Absent.**

Cunningham.	Russek.
Martin.	

**Absent—Excused.**

Neal.

The bill was read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Holbrook.	Pollard.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
McFarlane.	Westbrook.
Miller.	Williamson.
Moore.	Wirtz.
Parr.	Witt.
Parrish.	Woodul.
Patton.	Woodward.

**Absent.**

Greer.	Martin.
Hardin.	Russek.

**Absent—Excused.**

Neal.

**Senate Bill No. 443.**

The Chair laid before the Senate on second reading the following bill:

S. B. No. 443, A bill to be entitled "An Act to promote the commercial potato growing industry in Texas, to authorize the Commissioner of Agriculture to fix and promulgate official standards for grading, classifying and inspecting Texas grown potatoes; etc., and declaring an emergency."

The committee report carrying an amendment was adopted.

Read second time.

The bill as amended passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 443 was put on its third reading and final passage, by the following vote:

**Yeas—26.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Small.
Gainer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

**Absent.**

Greer.	Martin.
Hardin.	Russek.

**Absent—Excused.**

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent.

Cunningham.	Hardin.
Greer.	Russek.

Absent—Excused.

Neal.

**Motion to Concur.**

Senator Woodward moved to concur in the House amendment to S. B. No. 37. The motion prevailed by the following vote:

Yeas—23.

Beck.	Patton.
Berkeley.	Pollard.
Cousins.	Small.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Parr.	Woodward.
Parrish.	

Absent.

Cunningham.	Martin.
DeBerry.	McFarlane.
Greer.	Russek.
Love.	

Absent—Excused.

Neal.

**Bills Signed.**

The Chair, Lieutenant Governor, Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 556.  
H. J. R. No. 11.  
H. B. No. 528.

### Free Conference Committee Report.

Senator Williamson sent up the following Free Conference Committee Report:

Committee Room,  
Austin, Texas, March 9, 1929.  
Hon. Barry Miller, President of the Senate, and  
Hon. W. S. Barron, Speaker of the House.

Sirs: We, your Free Conference Committee appointed by your respective bodies to consider S. B. No. 502 have had said bill under consideration and beg leave to report that we have reached the following agreement.

We recommend that S. B. No. 502 be amended by inserting in Section 1 just after the words "Provided, further, that in counties" and just before the words: "where there is a joint city and county hospital" the following words:

"Having a population of not less than 202,000 and not more than 203,000 according to the latest Federal census."

We recommend that the House amendment attached to the bill, adopted March 8, 1929, be not inserted in the bill.

We recommend that the bill be adopted and passed as above amended.

Respectfully submitted,

WILLIAMSON,  
WOODUL,  
WITT,  
LOVE,  
HYER.

On the part of the Senate.

KING,  
READER,  
GRAVES, of Erath,  
TURNER,  
HOPKINS.

On the part of the House.

The report was read and adopted by the following vote:

Yeas—27.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
DeBerry.	Moore.
Gainer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.
Hyer.	Small.
Love.	Stevenson.

Thomason. Witt.  
Westbrook. Woodul.  
Williamson. Woodward.  
Wirtz.

Absent.

Cunningham. Russek.  
Greer.

Absent—Excused.

Neal.

### House Bills Referred.

H. B. No. 755 referred to Committee on Finance.

### Senate Bill No. 427.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 427, A bill to be entitled "An Act establishing an Art Commission for the State of Texas providing for appointment of the members thereof, prescribing their qualifications, and defining the powers and duties of such Commission."

The bill was read second time and passed to engrossment.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 427 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Gainer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent.

Cunningham. Greer.  
DeBerry. Russek.

Absent—Excused.

Neal.

The bill was read third time and finally passed.

### Senate Bill No. 19.

Senator Love called up the motion

which he spread on the Journal to reconsider the vote by which S. B. No. 19 failed to finally pass.

The motion to reconsider prevailed by the following vote:

Yeas—16.

Berkeley.	Small.
DeBerry.	Stevenson.
Hardin.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.
Parr.	Woodward.

Nays—6.

Gainer.	Parrish.
Hornsby.	Pollard.
Moore.	Wirtz.

Absent.

Beck.	Holbrook.
Cousins.	Martin.
Cunningham.	Patton.
Greer.	Russek.

Absent—Excused.

Neal.

Senator Love sent up the following amendment:

Amend by adding to Section 1A as follows:

Section 1-A. This Act shall take effect and be in force from and after September 1, 1930 and it shall be the duty of the Commissioners' Court of Erath County to require Tax Collectors to prepare their books and systems of accounting to comply with this Act.

The amendment was read and adopted.

The bill as amended passed to engrossment.

### House Bill No. 755.

The Chair laid before the Senate the following bill:

By Mr. King and Mr. Wallace:

H. B. No. 755, A bill to be entitled "An Act to appropriate the sum of \$200,000, or so much thereof as may be necessary, to supplement the appropriation for rural aid under the provisions of Chapter 36, Acts of the Fortieth Legislature."

The rule requiring Committee reports to lie over one day was suspended.

The Committee report was adopted.

On motion of Senator Pollard the

constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 755 was put on its second reading by the following vote:

Yeas—23.

Beck.	Parrish.
Berkeley.	Pollard.
DeBerry.	Small.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Parr.	

Absent.

Cousins.	McFarlane.
Cunningham.	Patton.
Greer.	Russek.
Martin.	

Absent—Excused.

Neal.

The bill was read second time and passed to third reading.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 755 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Parr.
Berkeley.	Parrish.
DeBerry.	Pollard.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent.

Cousins.	Martin.
Cunningham.	Patton.
Greer.	Russek.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—24.

Beck.	Berkeley.
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DeBerry.	Parrish.
Gainer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Parr.	Woodward.

Absent.

Cousins.	Martin.
Cunningham.	Patton.
Greer.	Russek.

Absent—Excused.

Neal.

#### Senate Bill No. 140.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 140, A bill to be entitled "An Act to prevent expending public funds for improvements or construction by day labor costing over \$5,000.00 without estimate, plans and specifications therefor and advertisement for bids and keeping and filing cost accounts and statements, excepting ordinary maintenance and repair work and work made immediately necessary by public calamity, and providing penalty for violation of this Act, and declaring an emergency."

The Committee substitute was adopted.

Senator Hardin sent up the following amendment:

Amend C. S. S. B. No. 140 by striking out the lines 21 to 26 of printed bill.

HARDIN.

The amendment was read and adopted.

Senator Holbrook moved to lay the bill on the table.

Senator Pollard moved the previous question on the motion and the engrossment of the bill. The previous question was ordered.

The motion to table was lost.

The bill passed to engrossment by the following vote:

Yeas—15.

Cousins.	Hyer.
Gainer.	Love.
Hardin.	Moore.
Hornsby.	Parr.



Pollard.  
Stevenson.  
Thomason.  
Westbrook.

Wirtz.  
Witt.  
Woodul.

Nays—7.

Berkeley. Parrish.  
DeBerry. Small.  
Holbrook. Woodward.  
McFarlane.

Absent.

Beck. Miller.  
Cunningham. Patton.  
Greer. Russek.  
Martin. Williamson.

Absent—Excused.

Neal.

#### Senate Bill No. 593.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 593, A bill to be entitled "An Act to increase the criminal jurisdiction of the County Court of Robertson County, and to conform the jurisdiction of the District Court of said County of said change in the jurisdiction of said County Court; to fix the time of holding court in said County Court of Robertson County; and to repeal all laws and parts of laws in conflict herewith."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Gainer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 593 was put on its third reading and final passage, by the following vote:

Yeas—23.

Berkeley. Parrish.  
DeBerry. Pollard.  
Gainer. Small.  
Hardin. Stevenson.  
Holbrook. Thomason.  
Hornsby. Westbrook.  
Hyer. Williamson.  
Love. Witt.  
McFarlane. Wirtz.  
Miller. Woodul.  
Moore. Woodward.  
Parr.

Absent.

Beck. Cunningham.  
Cousins. Greer.

Martin.  
Patton.

Russek.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley. Parr.  
Cousins. Parrish.  
DeBerry. Pollard.  
Gainer. Small.  
Hardin. Stevenson.  
Holbrook. Thomason.  
Hornsby. Westbrook.  
Hyer. Williamson.  
Love. Wirtz.  
Martin. Witt.  
McFarlane. Woodul.  
Miller. Woodward.  
Moore.

Absent.

Beck. Patton.  
Cunningham. Russek.  
Greer.

Absent—Excused.

Neal.

#### Motion to Concur.

Senator Parr moved to concur in the House amendment to S. B. No. 549. The motion prevailed by the following vote:

Yeas—27.

Beck. Moore.  
Berkeley. Parr.  
Cousins. Parrish.  
Cunningham. Pollard.  
DeBerry. Small.  
Gainer. Stevenson.  
Greer. Thomason.  
Hardin. Westbrook.  
Holbrook. Williamson.  
Hornsby. Wirtz.  
Hyer. Witt.  
Love. Woodul.  
McFarlane. Woodward.  
Miller.

Absent.

Martin. Russek.  
Patton.

Absent—Excused.

Neal.

#### Senate Bill No. 525.

The Chair laid before the Senate

on second reading the following bill:

S. B. No. 525, A bill to be entitled "An Act to establish and maintain an agricultural experiment station in the North Plains Region of Texas authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said Board to establish and maintain the same, to accept donations of lands, water and money for the establishment of said station, making an appropriation to pay the cost of establishing said station, and for the operation of same and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 525 was put on its third reading and final passage, by the following vote:

**Yeas—25.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Pollard.
DeBerry.	Small.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

**Absent.**

Cunningham.	Patton.
Greer.	Russek.
Martin.	

**Absent—Excused.**

Neal.

The bill was read third time and finally passed by the following vote:

**Yeas—23.**

Beck.	Parrish.
Berkeley.	Russek.
Cousins.	Small.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Parr.	

**Nays—2.**

DeBerry.	Pollard.
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**Absent.**

Cunningham.	McFarlane.
Greer.	Patton.
Martin.	

**Absent—Excused.**

Neal.

**Senate Bill No. 19.**

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 19 was put on its third reading and final passage, by the following vote:

**Yeas—23.**

Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Parr.	

**Nays—1.**

Wirtz.

**Absent.**

Beck.	Martin.
Cunningham.	McFarlane.
Greer.	Russek.

**Absent—Excused.**

Neal.

The bill was read third time and finally passed.

**Senate Bill No. 537.**

The Chair laid before the Senate on second reading the following bill:

S. B. No. 537, A bill to be entitled "An Act to amend Articles 148, 150 and 151 of the Penal Code by providing for the use and protection of any seal or emblem of the State of Texas; providing a penalty for the violation of this Act; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Moore, the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 537 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Parr.	

Absent.

Beck.	Martin.
Cunningham.	Russek.
Greer.	

Absent—Excused.

Neal.

The bill was read third time and finally passed.

#### Adjournment.

On motion of Senator Holbrook, the Senate, at 5:35 o'clock p. m., adjourned until 10:00 o'clock Monday morning.

#### APPENDIX.

##### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, March 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 610 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 574 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 358 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 478 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 499 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 608 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice-Chairman.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 603 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 514 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 538 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 606 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice-Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, March 8, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 608, A bill to be entitled "An Act vesting the right of eminent domain in the board of managers of the North Texas Junior Agricultural, Mechanical & Industrial College; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 724, A bill to be entitled "An Act creating Brownsville Navigation District of Cameron county, Texas, to be governed by the provisions of Section 59, Article 16 of the Constitution, and by Chapter 5 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session in 1925, relating to Navigation Districts, except as herein otherwise provided, and defining its boundaries; providing that the

management and control of said district shall be vested in a Board of Navigation and Canal Commissioners composed of three persons, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STEVENSON, Chairman.

Committee Room,  
Austin, Texas, March 9, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 595, A bill to be entitled "An Act amending Chapter 4, Title 5, Code of Criminal Procedure of Texas, 1925, by adding thereto Articles 271-A and 271-B, authorizing certain corporations to execute bail bonds and recognizances, prescribing certain requisites to the execution of such bonds and recognizances; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal.

MILLER, Chairman.

By Hardy.

H. B. No. 595.

#### A BILL

##### To Be Entitled

An Act amending Chapter 4, Title 5, Code of Criminal Procedure of Texas, 1925, by adding thereto Articles 271-A and 271-B, authorizing certain corporations to execute bail bonds and recognizances, prescribing certain requisites to the execution of such bonds and recognizances; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 4, Title 5, Code of Criminal Procedure of Texas, 1925, be amended by adding thereto Articles 271-A and 271-B, reading as follows:

"Article 271-A. Wherever in

this Chapter, any person is required or authorized to give or execute bail bond recognizances, such bail bond or recognizance may be given or executed by such principal and any corporation authorized by law to act as surety, subject to all the provisions of this Chapter regulating and governing the giving of bail bonds and recognizances by personal surety insofar as the same is applicable.

"Article 271-B. Any corporation authorized by the law of this State to act as a surety, shall before executing any bail bond or recognizance as authorized in the preceding Article, first file in the office of the county clerk of the county where such bail bond or recognizance is given a power of attorney designating and authorizing the named agent, agents or attorney of such corporation to execute such bail bonds and recognizances, and thereafter the execution of such bail bonds and recognizances by such agent, agents or attorney, shall be a valid and binding obligation of such corporation."

Sec. 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 3. The fact that there is some doubt as to whether or not corporate surety is now authorized by law on bail bonds and recognizances, and the further fact that it is desirable to have such bail bonds and recognizances made by corporate sureties when the persons required to give bail bonds desire to avail themselves of such surety, create an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 68, A bill to be entitled

"An Act to amend Article 4a of the Code of Criminal Procedure of the State of Texas, relating to search and seizure."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

MILLER, Chairman.

By Prendergast. H. B. No. 68.

#### A BILL

#### To Be Entitled

An Act to amend Article 4a of the Code of Criminal Procedure of the State of Texas, relating to search and seizure.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 4a of the Code of Criminal Procedure is hereby amended so as to hereafter read as follows:

"Article 4a. It shall be unlawful for any person or peace officer, or State Ranger, to search the private residence, actual place of habitation or place of business of any person without having first obtained a search warrant as required by law; provided it shall not be unlawful to make any other search with the existence of probable cause."

Committee Room,

Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 220, A bill to be entitled "An Act to amend Article 602 of the Penal Code of the State of Texas, 1925, so as to make the offense of desertion of wife or child a felony, providing a penalty therefor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

MILLER, Chairman.

By Conway, Holder. H. B. No. 220.

#### A BILL

#### To Be Entitled

An Act to amend Article 602 of the

Penal Code of the State of Texas, 1925, so as to make the offense of desertion of wife or child a felony, providing a penalty therefor; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 602 of the Penal Code of the State of Texas, 1925, be, and the same is hereby amended so as to hereafter read as follows:

"Article 602. Any husband who shall wilfully desert, neglect or refuse to provide for the support and maintenance of his wife who may be in necessitous circumstances, or any parent who shall wilfully desert, neglect or refuse to provide for the support and maintenance of his or her child or children under sixteen years, shall be confined in the penitentiary for not more than two years, or be confined in jail for not more than six months, or fined not less than Twenty-five nor more than Five Hundred Dollars, or be punished by both such fine and imprisonment in jail."

Sec. 2. The public importance of the purposes herein contemplated creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each House and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 540, A bill to be entitled "An Act providing that any person who may be convicted of a misdemeanor, or petty offense, and who shall be committed to jail in default of the payment of fine and costs may be worked upon the public roads, or upon the county farms of the county in which such conviction is had, or be hired out to any individual in such county; providing that the proceeds of such hiring shall be used to pay the costs and

fine assessed against the convict; providing that each convict shall be entitled to one dollar for each day served under such hiring; providing that such convict shall be discharged upon payment of the balance due on his fine and costs, or upon the expiration of his term of service providing that in no event his term of service to be greater than one day for each one dollar of fine and costs; etc. \* \* \*; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal.

MILLER, Chairman.

By Hines.

H. B. No. 540.

#### A BILL

#### To Be Entitled

An Act providing that any person who may be convicted of a misdemeanor, or petty offense, and who shall be committed to jail in default of the payment of the fine and costs may be worked upon the public roads, or upon the county farms of the county in which such conviction is had, or be hired out to any individual in such county; providing that the proceeds of such hiring shall be used to pay the costs and fine assessed against the convict; providing that each convict shall be entitled to One Dollar for each day served under such hiring; providing that such convict shall be discharged upon payment of the balance due on his fine and costs, or upon the expiration of his term of service, providing that in no event his term of service to be greater than one day for each One Dollar of fine and costs; providing that the counties shall not be responsible to the officers for their costs; providing that no convict shall be hired out for a longer term than one year; providing that at the expiration of one year he shall be discharged; providing that this law shall be cumulative of all laws relative to county convicts; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. Any person who may be convicted of a misdemeanor or

petty offense, and who shall be committed to jail in default of the payment of the fine and costs adjudged against him, may be worked upon the public roads, or upon the county farms, of the county in which such conviction is had, or be hired out to any individual within the county of conviction, to remain in said county; and the proceeds of said hiring when collected, shall be applied, first, to the payment of the costs, and second, to the payment of the fine; and every convict shall be entitled to a credit of One Dollar on his fine and costs for each day he may serve under such hiring, including Sunday; and he shall be discharged at any time upon payment of the balance due on his fine and costs, or upon the expiration of his term of service, his term of service in no event to be greater than one day for each fifty cents of fine and costs; provided, that in no case shall the counties be responsible to the officers for their costs, and in no case shall such convict be hired out for a longer period than one year for failure to pay a fine and costs; and on the expiration of said time unless by his hire such fine and costs have been sooner paid off, said convicts shall be finally discharged.

Sec. 2. Such hiring may be either by private contract or at public auction, as may be deemed best for the interest of the county, or it may be by general contract for any specified term, embracing the labor of all county convicts of the class prescribed in the preceding Article, at some fixed rate per day, week or month.

Sec. 3. Hirers of convicts shall execute bond payable to the county judge of the county, with two or more good and sufficient sureties, in the amount of hire agreed upon, conditioned as follows:

1. That the hirer will promptly and faithfully pay the amount of money mentioned in the bond when the same becomes due, and it shall be stated in the bond when the same becomes due.

2. That he will treat the convict humanely while in his employment.

3. That he will furnish the convict with a sufficient quantity of good and wholesome food, with comfortable clothing and medicine when sick.

4. That he will not require the

convict to work at unreasonable hours, or for a longer time during any one day than other laborers doing the same kind of labor are accustomed to work.

Such bond shall be approved by the county judge and filed in the office of the clerk of the county court.

Sec. 4. If a convict, hired out, escapes from the hirer, such hirer shall nevertheless be liable for the full amount of the bond, unless such convict is rearrested and placed in the custody of the sheriff of the county in which he was convicted before such bond becomes due; in which case such hirer shall only be liable to pay for the time that such convict remained with him.

Sec. 5. Upon the breach of such bond, the county judge or commissioners' court, shall cause such bond to be sued upon in any court having jurisdiction thereof; and the amount collected thereon, after deducting therefrom the collection fees and costs, shall be paid into the county treasury by the officer collecting the same, and constitute a part of the Road and Bridge Fund of the county.

Sec. 6. All moneys arising from hiring out convicts shall be paid over to the county judge, and by him paid into the county treasury, and in every case the convict shall receive full credit for the amount of his labor, to be counted and entered in discharge of the fine and costs adjudged against him; and, whenever, his earnings shall be sufficient to pay in full such fine and costs, he shall be discharged.

Sec. 7. County judge shall cause a record of all proceedings in relation to the employment or hiring out of convicts to be kept in well bound books to be provided for that purpose. Said record shall contain:

1. A descriptive list of all persons known as "county convicts."

2. How such convict has been or is employed.

3. The name of the party hiring a convict.

4. The time when and the price at which such convict has been employed or hired out.

5. The amount credited such convict for such employment or hire.

6. The amount of such hire collected.

7. The amount of fine and costs due by such convict.

8. Such other information as may be necessary and requisite under the rules adopted by the commissioners' court.

Sec. 8. Whenever the amount realized from the hire of a convict is sufficient to discharge in full the fine and costs adjudged against him, the county judge shall issue a warrant upon the county treasurer in favor of each officer to whom costs may be due, for the amount of his costs, and the same shall be paid out of the road fund of the county, or out of any other fund in the county treasury not otherwise appropriated.

Sec. 9. This Act shall be in addition to and cumulative of all laws relating to county convicts, and this Act shall not be construed as to alter or repeal the same.

Sec. 10. The public importance of the purposes herein contemplated, creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 465, A bill to be entitled "An Act to amend Title 11, Chapter 7, Article 689 of the Penal Code of the Revised Civil Statutes of the State of Texas so as to provide adequate and proper punishment for the violation of said Chapter, same being the statewide intoxicating liquor prohibition law; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MILLER, Chairman.

Amendment No. 1.

Amend H. B. No. 465 below the enacting clause by striking out in Line 21 of Section 2 the words "two hundred" and inserting in lieu

thereof the words "five hundred" and by striking out in Line 23 of the same Section the word "three" and inserting in lieu thereof the word "twelve."

SNELGROVE,  
KELLER.

March 1, 1929, adopted.

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

By Albritton et al. H. B. No. 465.

#### A BILL

To Be Entitled

An Act to amend Title 11, Chapter 7, Article 689 of the Penal Code of the Revised Civil Statutes of the State of Texas so as to provide adequate and proper punishment for the violation of said Chapter, same being the statewide intoxicating liquor prohibition law; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Title 11, Chapter 7, Article 689 be so amended as to hereafter read as follows:

"Article 689. Penal Article. Any person who violates any provision of the preceding Articles of this Chapter shall upon conviction thereof for the first offense be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than Twenty-five Dollars nor more than Two Hundred Dollars, and by confinement in the county jail for a period of not more than three months, during all of which time he may be worked upon the county public roads, and upon conviction of the second offense he shall be fined not less than \$50.00 nor more than \$100.00 and be confined in the county jail for any length of time not less than six months nor more than two years, during all of which time he may be worked upon the county public roads, and upon conviction of the third offense he shall be deemed guilty of a felony, and shall be punished by confinement in the State penitentiary for any term not less than one year, nor more than five years.

Any corporation violating the provisions of this Act shall be subject to a penalty in favor of the State of Texas, which shall be recoverable in an action in the name of the State to be brought by the Attorney Gen-



eral in any district court of Travis county or such action may be brought in the district court of any county where the offense is committed, by the Attorney General, or by the county or district attorney of such county with the consent and approval of the Attorney General. In any such action for penalties, the State shall recover the sum of Five Hundred (\$500.00) for any violation of the law, provided that each separate violation of the law shall be considered a separate offense is within the terms of this Section, or where the offense is of a continuing character, then each day shall be considered a separate infraction of the law, for which the penalty may be recovered. The officers, agents or servants of any corporation against which any such penalty suit may be brought shall not be excused from testifying on the ground that their testimony might incriminate them, but where they are called upon by the State to testify and do testify they shall not be prosecuted for their participation in those acts about which they have testified."

Sec. 3. The fact that there is now no adequate law upon the statutes of this State under which convictions may be secured under many circumstances, and the further fact that many persons are being acquitted when in fact guilty of violations of the liquor laws of Texas by reason of the severity of the punishment provided for the first offense, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read upon three several days, and said rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 598, A bill to be entitled "An Act making it unlawful for any person or persons to go on the premises or plantation of any citizen of the State of Texas, in the night time or between sunset and sunrise, and move or assist in moving any laborer or tenant or the effects or property of any laborer or tenant therefrom,

without the consent of the owner or proprietor thereof other than in the discharge of a civil or military order, and to provide penalties for the violation of this Act, and repealing of all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that the same be printed in the Journal.

MILLER, Chairman.

By Bond.

H. B. No. 598.

#### A BILL

#### To Be Entitled

An Act making it unlawful for any person or persons to go on the premises or plantation of any citizen of the State of Texas, in the night time or between sunset and sunrise, and move or assist in moving any laborer or tenant or the effects or property of any laborer or tenant therefrom without the consent of the owner or proprietor thereof other than in the discharge of a civil or military order, and to provide penalties for the violation of this Act, and repealing of all laws or parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be unlawful for any person or persons to go on the premises or plantation of any citizen of this State, in the night time, or between sunset and sunrise, and move or assist in moving any laborer or tenant or the effects or property of any laborer or tenant therefrom, without the consent of the owner or proprietor of said premises or plantation.

Sec. 2. That the provisions of this Act shall not be construed to apply to the discharge of a civil or military order.

Sec. 3. That any person found guilty of violating the provisions of this Act shall upon conviction be punished by a fine of not less than Fifty Dollars nor more than One Thousand Dollars, or imprisonment in the county jail for a term of not less than ten days nor more than six months, or both by such fine and imprisonment.

Sec. 4. That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 5. The fact that there is not now any law which prohibits others from entering upon premises of others and removing therefrom tenants and laborers, and being of such supreme importance to the agricultural interests of this State, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act be in force and take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 592, A bill to be entitled "An Act to amend Article 1435 of the Penal Code of Texas, 1925, as amended by Chapter 77, General and Special Laws of the First Called Session of the Fortieth Legislature, and Article 1435 of the Penal Code of Texas, 1911, relating to the transfer of second-hand or used vehicles and the recording of said transfers; repealing all laws in conflict with this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal.

MILLER, Chairman

By Beck, et al. H. B. No. 592.

#### A BILL

#### To Be Entitled

An Act to amend Article 1434 of the Penal Code of Texas, 1925, as amended by Chapter 77, General and Special Laws of the First Called Session of the Fortieth Legislature, and Article 1435 of the Penal Code of Texas, 1911, relating to the transfer of second-hand or used vehicles and the recording of said transfers; repealing all laws in conflict with this Act; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1434, Chapter 8, Title 17, of the Penal Code of Texas, 1925, as amended by Chapter 77 of the General and Special Laws of the First Called Session of the Fortieth Legislature shall read hereafter as follows:

"Article 1434. No person, acting for himself or another, shall sell, trade or otherwise transfer any used or second-hand vehicle required to be registered under the Laws of this State unless and until said vehicle has been duly registered for the current year under the provisions of said laws. Whoever, acting for himself or another, sells, trades or otherwise transfers any such vehicle shall deliver to the transferee at the time of delivery of the vehicle the license receipt issued for the registration thereof for the current year and a bill of sale in duplicate. Whoever, acting for himself or another, sells, trades or otherwise transfers any second-hand or used vehicle required to be registered before it has been registered for the current year or whoever transfers any such second-hand or used vehicle without delivering to the transferee at the same time a bill of sale thereto in duplicate shall be deemed guilty of a misdemeanor; and upon conviction shall be fined in any sum not exceeding Two Hundred Dollars.

Sec. 2. That Article 1435, Chapter 8, Title 17 of the Penal Code of Texas, 1925, be amended so as to read hereafter as follows:

"Article 1435. One copy of the bill of sale required to be delivered to the transferee of a used or second-hand car under the terms of Article 1434 as amended by this Act shall be retained by said transferee as evidence of title, and the other copy shall be filed within fifteen days from the date of the transfer with the county tax collector of the county in which the transferee resides as an application for transfer of license, together with the lawful transfer fee of One Dollar. The bill of sale and transfer application shall be in the following form:

State of Texas:

County of \_\_\_\_\_:

Know All Men by These Presents:

That the ownership of the follow-

ing described motor vehicle is hereby transferred by the undersigned to \_\_\_\_\_ for \_\_\_\_\_ and in consideration of \_\_\_\_\_ State License No. (for last year) \_\_\_\_\_ State License No. (for current year) \_\_\_\_\_ Trade Name, model and year made \_\_\_\_\_ Engine No. \_\_\_\_\_ Transferee's name in full \_\_\_\_\_ Transferee's correct address in full \_\_\_\_\_

Before me the undersigned authority personally appeared the vender of the vehicle described above, and being duly sworn, deposes and upon oath states that the vehicle described is hereby transferred to the transferee named above.

Vender.

(SEAL)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

Said bill of sale shall be subscribed and sworn to before a notary public.

Whoever violates any provision of this Section shall be fined in any sum not exceeding \$200.00."

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. The importance of the subject matter of this Act and the need for the amendments herein proposed and the crowded condition of the calendar create an emergency and an imperative public necessity for the suspension of the constitutional rule requiring the reading of bills on three several days; and said rule is hereby suspended; and this Act shall take effect and be in force from and after its passage; and it is so enacted.

Committee Room,

Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 755, A bill to be entitled "An Act to appropriate the sum of \$200.00 or so much thereof as may be necessary to supplement the appropriation for rural aid under the

provisions of Chapter 36, Acts of the Fortieth Legislature."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas, March 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 157, A bill to be entitled "An Act to amend Chapter 155, page 366, Section 1, Acts Thirty-ninth Legislature, 1925, so as to grant to all incorporated cities and towns the banks, beds and channels, and the abandoned banks, beds and channels of all rivers, streams and other channels within their corporate limits, for the specific purposes expressed in this Act."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

STEVENSON, Chairman.

By Williams of Travis H. B. No. 157

#### A BILL

#### To Be Entitled

An Act to amend Chapter 155, page 366, Section 1, Acts Thirty-ninth Legislature, 1925, so as to grant to all incorporated cities and towns the banks, beds and channels, and the abandoned banks, beds and channels of all rivers, streams and other channels within their corporate limits, for the specific purposes expressed in this Act.

Be it enacted by the Legislature of the State of Texas:

Section 1. The State of Texas hereby relinquishes, quit-claims and grants unto all incorporated cities and towns, all of the banks, beds and channels, and also all of the abandoned banks, beds and channels, of all rivers, streams and other channels that are now or that may hereafter be within the present or future corporate limits of such cities or towns, insofar as the banks, beds and channels, and such abandoned

channels, of such rivers, streams and other channels may be owned or claimed as the property of said State, provided that this grant shall not impair any right of the State in the waters or channels of such streams or in the control thereof; and provided further, no city or town shall sell any sand, gravel or other mineral, whether liquid, solid or vaporous in or under the premises granted, this grant being for the purpose of enabling such cities and towns to improve such property along the banks of such rivers and streams for parks and play grounds and remove all menaces to public health therefrom.

Sec. 2. That all laws in conflict herewith be and the same are hereby repealed.

#### Engrossed Rider.

Amend H. B. No. 157, by striking out the caption thereof, and inserting in lieu thereof the following caption:

#### A BILL

#### To Be Entitled

An Act authorizing the State Board of Control to enter into a contract with the City of Austin, Texas, leasing certain State lands lying and being situated on the banks of the Colorado River within or near the City of Austin, so as to permit the city to beautify same, providing the terms and conditions of said lease and the duration thereof; providing for a termination of said lease at the option of the Board of Control in the event said lands are not beautified; providing that nothing in this Act shall be construed to convey the title to any such property to the City of Austin; providing for notice of termination of said lease; providing that said lease so entered into shall not affect existing leases; and providing that such contract shall be submitted to the Attorney General for approval; and declaring an emergency.

#### Engrossed Rider.

Amend H. B. No. 157 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. The State Board of

Control is hereby authorized to enter into a contract with the city of Austin, Texas, acting by and through the governing body of said city, whereby the said city of Austin is permitted to use any and all lands belonging to the State of Texas lying and being situated on the banks of the Colorado River within or near the city of Austin, Texas, and any land adjacent to all rivers and streams near the city of Austin, Texas; the purpose of said contract being to permit the city of Austin to beautify and use such lands for parks and playgrounds only. The city of Austin shall not be permitted to sell any sand, gravel, mineral, or any other natural resources from said property, but the Board of Control is hereby permitted to authorize the city to use sand and gravel for the purpose of improving said property without cost to said city.

Sec. 2. Nothing in this Act shall be construed to convey the title to any such property to the city of Austin. The city of Austin shall be prohibited from interfering with any existing leases. The Board of Control is not authorized to enter into a contract with the city of Austin which would prevent or in any manner interfere with the State from using dirt, sand, gravel or any material of any character from said property at any time that suits the convenience of the State, through its officers, or which would interfere with the State in leasing said land or selling sand, gravel, or any other material or disposing of the dirt, sand, gravel or any material of any character from said property. Any contract or agreement entered into by and between the State of Texas, acting through the State Board of Control, and the city of Austin, acting by and through its governing body, shall be treated as an easement only granted by the State, through the Board of Control, to said city of Austin and shall not be made to extend over a period of time exceeding ten (10) years. No contract shall be entered into until it has first been submitted to the Attorney General of the State of Texas and approved by him.

Sec. 3. In the event of such contract, if the city of Austin fails to beautify such land, or any part thereof, the lease herein provided for shall be terminated at the option

of the Board of Control as to any portion not so beautified. ,

Sêc. 4. It is further provided that the city of Austin shall agree in said contract to surrender all or any part of the land authorized to be leased upon 12 months notice by the Legislature or by the Board of Control.

Sec. 5. All laws or parts of laws in conflict herewith be, and the same are hereby repealed.

Sec. 6. The fact that there is considerable property belonging to the State of Texas lying and being situated on the banks of the Colorado River within or near the city of Austin, Texas—some of which is a menace to public health—which menace shall be removed, and the further fact that there is now no law authorizing a contract between the city of Austin and the State of Texas for the purposes provided herein, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

WALLACE.

March, 8, 1929, adopted.

LOUISE SNOW PHINNEY,  
Chief Clerk of the House of Representatives.

#### FORTY-FIFTH DAY.

Senate Chamber,  
Austin, Texas,  
March 11, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Love.	Stevenson.

Thomason.	Witt.
Westbrook.	Woodul.
Williamson.	Woodward.
Wirtz.	

Absent—Excused.

Hyer. Neal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Berkeley.

S. B. No. 613, A bill to be entitled "An Act amending an Act approved February 11, 1929, creating the 109th Judicial District, the same being S. B. No. 9, so as to correct the defective emergency clause and place said Act in immediate effect; and declaring an emergency."

The bill was read first time and referred to Committee on Judicial Districts.

#### Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. C. R. No. 24.	S. B. No. 560.
S. B. No. 37.	H. B. No. 724.
S. B. No. 602.	H. B. No. 676.
S. B. No. 581.	H. B. No. 313.
S. B. No. 573.	H. C. R. No. 13.
S. B. No. 222.	H. C. R. No. 37.
S. B. No. 582.	

#### Senators Excused.

On motion of Senator Russek, Senator Hyer was excused for the day on account of important business.

#### Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, March 11, 1929.